IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12808 of 2004

Between:

Amadalavalasa Cooperative Sugars Ltd, rep. by its

Managing Director, Amadalavalasa.

..... PETITIONER

AND

1 The Industrial Tribunal cum Labour Courts at Visakhapatnam,
rep. by its Chairman and Presiding Officer.
2 Metta Kondaiah, S/o Late Adembhatlu,
Kothakotavari Street, Amadalavalasa, Srikakulam District.
3 Ambica Lamination Pvt. Ltd, C/o Amadalavalasa Coop Sugars Ltd,
Amadalavalasa , Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction particularly one in the nature of writ of certiorari and call for the records from the Industrial Tribunal cum labour Courts Visakhapatnam with regard to the order dt.19th May, 2004 in M.P. 65/2002 and quash the same as illegal arbitrary and unjust.

Counsel for the Petitioner: MR.S.PRASAD RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent Nos.2 & 3: MR. V.SUDHAKAR REDDY

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12808 OF 2004

ORDER:

The second respondent is a retired employee of the petitioner-Sugar Factory. He entered into service of the petitioner-sugar factory and worked for a long time in different capacities. He retired as an employee of the sugar factory on 31-07-2000 after attaining the age of superannuation.

2. The second respondent contends that as per G.O.Ms.No.625, dated 18-08-2001, he is entitled for the arrears of wages. He further contended that the petitioner did not consider his representation for payment of the arrears of wages, therefore, he approached the Industrial Tribunal-cum-Labour Court, Visakhapatnam by filing M.P.No.65 of 2002. The petitioner contended before the Labour Court that the management is not in a position to pay the arrears as per the request of the second respondent, since the petitioner sugar factory is not in a sound financial position, and if the request of the second respondent is considered, 400 other workers, who retired from service also would come forward claiming arrears. As per G.O.Ms.No.625 dated 18-08-2001, the salaries of the factory employees were revised with effect from 01-10-1998. Since the petitioner retired from service on 31-07-2000, he is entitled for the difference of wages as per the revised pay-scales. The petitioner contended that when the second respondent was due to retire from service on attaining the age of superannuation at 58 years, he approached this Court through W.P.No.21057 of 1998 claiming that he is entitled to be continued till he completes the age of 60 years, and also obtained an interim direction vide W.P.M.P.No.25238 of 1998 to continue him in service pending disposal of the writ petition.

3. The learned counsel for the petitioner further submitted that the writ petition and the issue whether the petitioner is entitled to continue in service till he completes the age of 60 years or whether he is liable to be retired on completion of 58 years, is still pending. The learned counsel further contended that since the second respondent continued in service by virtue of the interim direction given by this Court, he is not entitled for the difference of wages in

pursuance of the revision of the pay-scales.

4 . It is an undisputed fact that the second respondent continued in service till he completed the age of 60 years. The petitioner extracted the work from the second respondent and paid the salary as per the pre-revised scales. When once the pay was revised and made applicable to the employees in service as on 01-10-1998, the second respondent is also entitled for the difference of wages, which is according to him comes to Rs.21,709/-, irrespective of the result of the other writ petition, the petitioner is bound to pay the difference of wages for the period of work done by the second respondent.

5. In the light of the above circumstances, the Industrial Tribunal was right in directing the petitioner to pay Rs.21,709/- to the second respondent with interest at the rate of 6% p.a. till the date of payment.

6. After carefully going through the entire record, I do not find any grounds to interfere with the order of the Industrial Tribunal dated 19-05-2004 by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

7. The Writ Petition is accordingly dismissed. No order as to costs.

Dr. G.YETHIRAJULU, J

24th August, 2004

SKM

Note:

Furnish C.C. within one week.

B/o.

Skm

TO

1 The Chairman and Presiding Officer, Industrial Tribunal cum

Labour Courts at Visakhapatnam,

2 Two C.Cs. to G.P. for Labour, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

3 Two C.D. Copies.